

SECTION 2. 93.13 of the statutes is created to read:

**93.13 Automatic approval of certain applications. (1) DEADLINES.** The department, by rule, shall establish periods within which the department intends to approve or disapprove an application for any of the following:

- 108.14 (20) licenses*
- (a) (i)*
- Election of coverage under s. 108.02 (13)(h) or (15)(f), (g), (h), (i) or (k).*
- ~~(a) A weather modification permit under s. 93.35(6).~~
- ~~(am) A nursery dealer license under s. 94.10(2).~~
- Approval to separate limited liability companies or partnerships under s. 108.02 (13)(kl) or (2).*
- ~~(b) A nursery grower license under s. 94.10(3).~~
- Treatment of out-of-state service as employment under s. 108.02 (15)(c).*
- ~~(c) A Christmas tree grower license under s. 94.10(3g).~~
- ~~(cm) A seed labeler's license under s. 94.43.~~
- Approval of training institutions under s. 108.04(16)(a) 2.*
- ~~(d) A ginseng grower or dealer registration under s. 94.50(2).~~
- Approval of attorney fees under s. 108.09(2)(b).*
- ~~(e) A fertilizer manufacturer or distributor license under s. 94.64(3).~~
- (f) Approval of income tax withholding under s. 108.135(3).*
- ~~(em) A nonagricultural or special-use fertilizer permit under s. 94.64(3m).~~
- (g) Approval of electronic interchanges under s. 108.14(20).*
- ~~(f) A soil or plant additive manufacturer or distributor license under s. 94.65.~~
- (h) Approval of assurances of reimbursement under s. 108.15(14) or 108.152(3).*
- ~~(2) (i) Approval of group reimbursement accounts under s. 108.15(15).~~
- ~~(g) A soil or plant additive permit under s. 94.65(3).~~
- (j) Approval of electronic media and formats under s. 108.07(2g).*
- ~~(gm) A license for the sale or distribution of liming material under s. 94.66(2).~~
- ~~(h) A pesticide manufacturer or labeler license under s. 94.68(1).~~
- (k) Approval of combined wage treatment under s. 108.07(5).*
- ~~(i) A restricted use pesticide dealer or distributor license under s. 94.685.~~
- ~~(m) A veterinary clinic pesticide use and repackaging permit under s. 94.702.~~
- ~~(j) A commercial pesticide application business license under s. 94.703.~~
- ~~(k) A commercial feed manufacturer or distributor license under s. 94.72(5).~~
- ~~(km) A farm-raised deer registration under s. 95.55.~~
- ~~(L) A fish farm registration under s. 95.60(3m).~~
- ~~(m) An animal market license under s. 95.68(2).~~
- ~~(mm) An animal dealer license under s. 95.69(2).~~

- 1 (n) An animal trucker license under s. 95.71 (2).
- 2 (p) A license for collecting or processing dead animals under s. 95.72 (2).
- 3 (pm) A license for transporting dead animals under s. 95.72 (7).
- 4 (q) A dairy plant license under s. 97.20 (2).
- 5 (r) A bulk milk tanker license under s. 97.21 (2).
- 6 (rm) A milk distributor license under s. 97.21 (3).
- 7 (s) A food warehouse license under s. 97.27 (2).
- 8 (t) A food processing plant license under s. 97.29 (2).
- 9 (tm) A retail food establishment license under s. 97.30 (2).
- 10 (u) A meat or poultry commercial slaughtering or processing license or a meat
- 11 or poultry custom slaughtering or processing registration certificate under s. 97.42
- 12 (2).
- 13 (v) A vehicle scale license under s. 98.16.
- 14 (vm) A weights and measures servicing license under s. 98.18 (1) (a).
- 15 (w) A liquid petroleum gas meter registration under s. 98.245 (7).
- 16 (wm) A public warehouse keeper license under s. 99.02 (1).
- 17 (x) A mobile air conditioner servicing registration certificate under s. 100.45
- 18 (5) (c).
- 19 (xm) A grain dealer license under s. 126.11.
- 20 (y) A grain warehouse keeper license under s. 126.26.
- 21 (ym) A milk contractor license under s. 126.41.

22 ~~(z) A vegetable contractor license under s. 126.56.~~

23 ~~(b)(1) (2) FAILURE TO MEET DEADLINE.~~ *par. (d) 3. and 4. and (e)*  
~~(a) Subject to subs. (4) (c) and (d) and (5), failure~~

24 by the department to provide the applicant for a license, permit, or other approval *an*

25 specified in *par. (a)* ~~sub. (1)~~ with written notice that the department has approved or

1 disapproved the application for the ~~license, permit, or other approval~~, including the  
2 specific facts upon which any disapproval is based, before the expiration of the period  
3 established under ~~sub. (1)~~ <sup>par. (a)</sup> for the ~~license, permit, or other approval~~, constitutes  
4 approval of the application. ~~A license, permit, or other approval~~ <sup>An application</sup> approved under this  
5 paragraph is subject to any terms or conditions specified by statute or rule for the  
6 license, permit, or other approval and the department may suspend, limit, revoke,  
7 or withdraw the ~~license, permit, or other approval~~ for substantial failure to comply  
8 with those terms or conditions. Within 30 days after the expiration of the period  
9 established under ~~sub. (1)~~ <sup>par. (a)</sup> for the ~~license, permit, or other approval~~, the department  
10 shall provide the applicant with a statement showing that the ~~license, permit, or~~  
11 ~~other approval~~ <sup>application</sup> is approved and specifying any terms and conditions that apply to  
12 that ~~license, permit, or other approval~~.

13 <sup>2.</sup> ~~(b)~~ The department may not disapprove an application for a ~~license, permit, or~~  
14 ~~other approval~~ <sup>A an</sup> solely because the department is unable to complete its review of the  
15 application within the period established under ~~sub. (1)~~ <sup>par. (a)</sup>.

16 <sup>(c) (i)</sup> ~~(3)~~ NOTICE OF DEADLINE. Upon receiving an application for a ~~license, permit, or~~  
17 ~~other approval~~ <sup>an</sup> specified in ~~sub. (1)~~ <sup>par. (a)</sup>, the department shall inform the applicant of the  
18 period established under ~~sub. (1)~~ <sup>par. (a)</sup> for the ~~license, permit, or other approval~~.

19 <sup>(d) (i)</sup> ~~(4)~~ OPTIONAL PROVISIONS OF RULES. The department may include any of the  
20 following in the rules required under ~~sub. (1)~~ <sup>par. (a)</sup>:

21 <sup>(a) 1.</sup> ~~(a)~~ Methods for determining the commencement of the period established  
22 under ~~sub. (1)~~ <sup>par. (a)</sup> and for determining when the application for a ~~license, permit, or other~~  
23 ~~approval~~ <sup>an</sup> is complete.  
^

1 <sup>par.(a)</sup> 2. ~~(b)~~ A longer period under ~~sub. (1)~~ <sup>an</sup> for an application for a ~~permit, approval, or~~  
2 ~~other determination~~ for which an environmental impact statement is required under  
3 s. 1.11 than for other applications.

4 <sup>par.(a)</sup> 3. ~~(b)~~ Extensions of the period established under ~~sub. (1)~~ because the applicant  
5 makes a material modification to the application if the department notifies the  
6 applicant in writing of the extension within 30 days after the applicant makes the  
7 modification.

8 <sup>par.(a)</sup> 4. ~~(b)~~ Extensions of the period established under ~~sub. (1)~~ because information  
9 needed by the department to complete its review of an application for a ~~license,~~  
10 ~~permit, or other~~ <sup>an</sup> approval is unknown or cannot be determined with certainty when  
11 the department receives the application if the department notifies the applicant in  
12 writing of the need for an extension within 30 days after the applicant submits the  
13 application.

14 ~~§. (b)~~ 5. Deadlines for the department to complete intermediate steps in the process  
15 of completing its review of an application.

16 <sup>(c)(i)</sup> (5) EXTENSIONS AUTHORIZED. <sup>par.(a)</sup> ~~(b)~~ During the period established under ~~sub. (1),~~  
17 the department and the applicant may jointly agree to a different period for acting  
18 on an application ~~for a license, permit, or other approval~~ than that specified under

19 ~~sub. (1).~~ <sup>par.(a)</sup>  
20 <sup>par.(a)</sup> 2. ~~(b)~~ The department may extend the period established under ~~sub. (1)~~ because  
21 an application is incomplete if, within 30 days after receiving the application, the  
22 department provides written notice to the applicant describing specifically the  
23 information that must be provided to complete the application.

1 3. (c) The department may extend the period established under <sup>par. (a)</sup> sub. (1) for an  
2 application by not more than 60 days if the department provides written notice of the  
3 extension to the applicant within the period established under <sup>par. (a)</sup> sub. (1).

4 4. (a) The department may extend the period established under <sup>par. (a)</sup> sub. (1) for an  
5 application by more than 60 days if, within the period established under <sup>par. (a)</sup> sub. (1), the  
6 department finds that there is a substantial likelihood that the activity proposed to  
7 be conducted under the application would result in substantial harm to public health  
8 or safety or the environment and that the department cannot adequately review the  
9 application within the period established under <sup>par. (a)</sup> sub. (1) and provides written notice  
10 to the applicant that states with particularity the facts on which those findings are  
11 based.

12 **SECTION 3. 299.05 of the statutes is repealed and recreated to read:**

13 **299.05 Deadlines for action on occupational applications. (1)**

14 **DEADLINES.** The department, by rule, shall establish periods within which the  
15 department intends to approve or disapprove an application for any of the following:

16 (a) A well driller or pump installer registration under s. 280.15.

17 (b) A water system, wastewater treatment plant, or septage servicing vehicle  
18 operator certification under s. 281.17 (3).

19 (c) A license for servicing septic tanks and similar facilities under s. 281.48 (3).

20 (d) A solid waste incinerator operator certification under s. 285.51 (2).

21 (e) An ozone-depleting refrigerant removal approval under s. 285.59.

22 (f) A solid waste disposal facility operator certification under s. 289.42 (1).

23 (g) A hazardous waste transportation service license under s. 291.23.

24 (h) A metallic mining exploration license under s. 293.21.

25 (i) An oil or gas exploration license under s. 295.33 (1).

Section #. 115.28 (7) (a) of the statutes is amended to read:

115.28 (7) (a) License all teachers for the public schools of the state, make rules establishing standards of attainment and procedures for the examination and licensing of teachers within the limits prescribed in ss. 118.19 ~~(2) and (3)~~, 118.192 and 118.195, prescribe by rule standards and procedures for the approval of teacher preparatory programs leading to licensure, file in the state superintendent's office all papers relating to state teachers' licenses and register each such license.

History: 1971 c. 40, 125; 1973 c. 89, 90; 1975 c. 39, 115, 199, 220, 224, 395, 422; 1977 c. 26, 29, 203, 418, 429; 1979 c. 28, 331; 1979 c. 346 ss. 10, 15; 1979 c. 355; 1981 c. 20, 241; 1983 a. 27, 412; 1985 a. 12; 1985 a. 29 ss. 1686m, 1689, 3202 (43); 1987 a. 27, 159; 1989 a. 31, 56, 297, 336, 359; 1991 a. 39, 93, 108, 164, 227, 250, 269, 315; 1993 a. 16, 27, 213, 223, 335, 339, 437, 455, 492; 1995 a. 27 ss. 3847g to 3858, 9126 (19), 9145 (1); 1995 a. 225; 1997 a. 27, 113, 114, 164, 240, 245, 252; 1999 a. 9, 19, 32, 124, 185, 186; 2001 a. 16.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to amend* 632.68 (2) (b) (intro.), 632.68 (4) (b), 633.14 (1) (intro.) and  
2 633.14 (2) (intro.); *to repeal and recreate* 299.05; and *to create* 93.125, 93.13,  
3 299.06, 601.58 and 628.093 of the statutes; **relating to:** periods in which state  
4 agencies will act on certain applications and granting rule-making authority.

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a later version.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5 SECTION 1. <sup>118.19 (2)</sup> ~~93.125~~ of the statutes is <sup>repealed + recreated</sup> ~~created~~ to read:

6 ~~93.125~~ <sup>118.19 (2) (a)</sup> ~~Deadlines for action on occupational applications. (1)~~

7 ~~DEADLINES~~ (The department, by rule, shall establish periods within which the  
8 department intends to approve or disapprove an application for any of the following)

9 (a) A food inspector license under s. 93.11.

10 (b) A professional weather modification license under s. 93.35 (4).

license or permit  
authorized to be  
granted by the  
department.

Ins 2-11-PG, p. 3

(c) An individual commercial pesticide applicator license under s. 94.704.

(d) A pesticide applicator certification under s. 94.705.

(f) A buttermaker or cheesemaker license under s. 97.17.

(g) A butter grader or cheese grader license under s. 97.175.

(h) A milk producer license under s. 97.22 (2).

(i) A grade A dairy farm permit under s. 97.22 (3).

(j) A milk and cream tester license under s. 98.145.

(k) A milk weigher and sampler license under s. 98.146.

(b) 1.

par. (d)

~~(2) FAILURE TO MEET DEADLINE.~~ (a) Subject to ~~sub. (a)~~ <sup>par. (d)</sup>, the department shall refund fees paid by the applicant for a license or ~~other approval specified in sub. (b)~~ <sup>permit</sup>

if the department fails to provide the applicant with written notice that the department has approved or disapproved the application for the license or ~~other~~

~~approval~~ <sup>permit</sup>, including the specific facts upon which any disapproval is based, before the expiration of the period established under ~~sub. (a)~~ <sup>par. (a)</sup> for the license or ~~other approval~~ <sup>permit</sup>.

~~(b)~~ <sup>2.</sup> (a) The department may not disapprove an application for a license or ~~other~~ <sup>permit</sup> ~~approval~~ solely because the department is unable to complete its review of the application within the period established under ~~sub. (a)~~ <sup>par. (a)</sup>.

~~(3) NOTICE OF DEADLINE.~~ <sup>(c)</sup> Upon receiving an application for a license or ~~other~~ <sup>permit</sup> ~~approval specified in sub. (1)~~ <sup>par. (a)</sup>, the department shall inform the applicant of the period established under ~~sub. (a)~~ <sup>par. (a)</sup> for the license or ~~other approval~~ <sup>permit</sup>.

~~(4) PERMITTED EXTENSION OF DEADLINE.~~ <sup>(d)</sup> The department may extend the period established under ~~sub. (a)~~ <sup>par. (a)</sup> because an application is incomplete if, within 30 days after receiving the application, the department provides written notice to the applicant describing specifically the information that must be provided to complete the application.



Insert 7-11 TNF (page 1 of 7)

Section #. 218.0114 (13) (b) of the statutes is amended to read:

218.0114(13) (b) The department of transportation shall promulgate rules establishing the license period for each type of license described in sub. (14) (a) to (f).

History: 1999 a. 31 ss. 57 to 104; 1999 a. 186.

and shall promulgate any rule required under s. 85.16(3)

Insert 7-11 TNF (page 2 of 7)

Section #. 218.11 (2) (b) 1. of the statutes is amended to read:

218.11 (2) (b) 1. The department shall promulgate rules establishing the license period under this section.

History: 1971 c. 239; 1973 c. 116; Stats. 1973 s. 218.11; 1977 c. 29 ss. 1373, 1654 (7) (a), (e); 1981 c. 45; 1981 c. 347 s. 80 (2); 1983 a. 192; 1989 a. 31; 1991 a. 39, 269; 1993 a. 16; 1997 a. 191, 237; 1999 a. 9, 32, 185, 186; 2001 a. 38.

and shall promulgate any rule required under s. 85.16(3)

# Insert 7-11 TNF (page 3 of 7)

Section #. 218.12 (2) (b) 2. of the statutes is amended to read:

218.12 (2) (b) 2. The department may promulgate rules establishing a uniform expiration date for all licenses issued under this section.

History: 1973 c. 116; Stats. 1973 s. 218.12; 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1979 c. 221; 1989 a. 31; 1991 a. 269; 1997 a. 191, 237; 1999 a. 9, 31, 186.

and shall promulgate any rule required under s. 85.16(3)

# Insert 7-11 TNF (page 4 of 7)

Section #. 218.22 (2) (b) 1. of the statutes is amended to read:

218.22 (2) (b) 1. The department shall promulgate rules establishing a license period.

History: 1975 c. 288; 1977 c. 29 ss. 1373m, 1374, 1654 (7) (a), (e); 1977 c. 415; 1979 c. 110 s. 60 (13); 1981 c. 347 s. 80 (2); 1983 a. 192; 1987 a. 351; 1989 a. 31; 1991 a. 39, 316; 1993 a. 16; 1997 a. 191, 237; 1999 a. 31.

and shall promulgate any rule required under s. 85.16(3)

# Insert 7-11 TNF (page 5 of 7)

Section #. 218.32 (2) (b) 1. of the statutes is amended to read:

218.32 (2) (b) 1. The department shall promulgate rules establishing a license period.

History: 1977 c. 29 ss. 1375, 1654 (7) (a), (e); 1977 c. 273; 1979 c. 110 s. 60 (13); 1981 c. 347 s. 80 (2); 1983 a. 192; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1997 a. 191, 237; 1999 a. 141.

and shall promulgate any rule required under s. 85.16(3)

Insert 7-11 TNF (page 6 of 7)

Section #. 218.41 (2m) (a) 1. of the statutes is amended to read:

218.41 (2m) (a) 1. The department shall promulgate rules establishing a license period.

**History:** 1977 c. 288; 1981 c. 347 s. 80 (2); 1989 a. 31; 1991 a. 39; 1993 a. 16, 112; 1997 a. 191, 237; 1999 a. 9. 1977 c. 288; 1981 c. 347 s. 80 (2); 1989 a. 31; 1991 a. 39; 1993 a. 16, 112; 1997 a. 191, 237; 1999 a. 9.

and shall promulgate any rule required under s. 85.16(3)

# Insert 7-11 TNF (page 7 of 7)

Section #. 218.51 (3) (b) 1. of the statutes is amended to read:

218.51 (3) (b) 1. The department shall promulgate rules establishing the buyer identification card period.

History: 1987 a. 349; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1997 a. 191, 237; 1999 a. 9.

and shall promulgate any rule required under s. 85.16(3)

(end of insert)

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I

1           INSERT 11-19 (PJH):

2           SECTION 1. 341.19 (4) of the statutes is amended to read:

3           341.19 (4) The department shall promulgate rules to implement this section  
4           and shall promulgate any rule required under s. 85.16 (3).

History: 1983 a. 469; 1999 a. 9.

5           SECTION 2. 343.02 (1) of the statutes is amended to read:

6           343.02 (1) The department shall administer and enforce this chapter and may  
7           promulgate for that purpose such rules as the secretary considers necessary and  
8           shall promulgate any rule required under s. 85.16 (3). Rules promulgated under this  
9           chapter may not conflict with and shall be at least as stringent as standards set by  
10          the federal commercial motor vehicle safety act, 49 USC 31301 to 31317 and the  
11          regulations adopted under that act.

History: 1971 c. 164 s. 83; 1977 c. 29 s. 1654 (7) (a); 1981 c. 390 s. 252; 1989 a. 105; 1995 a. 113.

12          SECTION 3. 343.305 (11) of the statutes is amended to read:

13          343.305 (11) RULES. The department shall promulgate rules under ch. 227  
14          necessary to administer this section and shall promulgate any rule required under  
15          s. 85.16 (3). The rules shall include provisions relating to the expeditious exchange  
16          of information under this section between the department and law enforcement  
17          agencies, circuit courts and district attorneys. The rules may not affect any  
18          provisions relating to court procedure.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104.

INSERT 11-19 PJH II



**INSERT MDK-A:**

Under current law, the Department of Regulation and Licensing (DRL) is allowed, but not required, to promulgate rules establishing deadlines for reviewing and making determinations on applications for professional and occupational credentials granted by DRL and boards in DRL. This bill requires DRL to promulgate such rules and, under specified circumstances, refund application fees if DRL or a board in DRL does not comply with the deadlines.

~~INSERT 11-19 MK:~~

**SECTION 1.** 440.03 (1m) of the statutes is repealed and recreated to read:

440.03 (1m) (a) The department shall, by rule, establish periods within which the department and credentialing boards intend to grant, or determine not to grant, an application for an initial, reciprocal, or temporary credential and to renew, or determine not to renew, a credential. Any period established under rules promulgated under this paragraph shall be consistent with any applicable period specified by statute.

(b) 1. Subject to par. (d), the department shall refund any fees paid by a person submitting an application specified in par. (a) if the department or a credentialing board fails to provide the person with written notice that the department or credentialing board has granted or renewed, or determined not to grant or renew, the credential, including the specific facts upon which any determination not to grant or renew a credential is based, before the expiration of the period established under the rules promulgated under par. (a).

2. The department or a credentialing board may not determine not to grant an initial, reciprocal, or temporary credential, or to renew a credential, solely because the department or credentialing board is unable to complete its review of the

1 application within the period established under the rules promulgated under par.  
2 (a).

3 (c) Upon receiving an application specified in par. (a), the department shall  
4 inform the applicant of the period established under the rules promulgated under  
5 par. (a) for the application.

6 (d) The department may extend the period established under the rules  
7 promulgated under par. (a) because an application is incomplete if, within 30 days  
8 after receiving the application, the department provides written notice to the  
9 applicant describing specifically the information that must be provided to complete  
10 the application.

11 **SECTION 2.** 440.06 of the statutes is amended to read:

12 **440.06 Refunds and reexaminations.** The Except as provided in s. 440.03  
13 (1m), the secretary may establish uniform procedures for refunds of fees paid under  
14 s. 440.05 or 440.08 and uniform procedures and fees for reexaminations under chs.  
15 440 to 480.

History: 1977 c. 418; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1991 a. 39; 1993 a. 102.

16 **SECTION 3.** 452.10 (2) (b) of the statutes is amended to read:

17 452.10 (2) (b) ~~Unless~~ Except as provided in s. 440.03 (1m), unless an application  
18 is withdrawn in writing before the department has made any investigation, no part  
19 of the fee shall be returned.

History: 1981 c. 94, 314, 391; 1983 a. 27, 273; 1985 a. 305; 1987 a. 264, 399; 1989 a. 307; 1991 a. 39; 1995 a. 400.

**2003-2004 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

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RAC:.....

*Insert 11-19-RAC*

**SECTION 1.** 562.05 (12) of the statutes is created to read:

562.05 (12) (a) The department, by rule, shall establish periods within which the department intends to approve or disapprove an application for any license issued under this section.

(b) 1. Subject to par. (d), the department shall refund fees paid by the applicant for a license under this section if the department fails to provide the applicant with written notice that the department has approved or disapproved the application for the license, including the specific facts upon which any disapproval is based, before the expiration of the period established under par. (a) for the license.

2. The department may not disapprove an application for a license solely because the department is unable to complete its review of the application within the period established under par. (a).

(c) Upon receiving an application for a license under this section, the department shall inform the applicant of the period established under par. (a) for the license.

(d) The department may extend the period established under par. (a) because an application is incomplete if, within 30 days after receiving the application, the department provides written notice to the applicant describing specifically the information that must be provided to complete the application.

**SECTION 2.** 563.15 (1) of the statutes is amended to read:

563.15 (1) ~~After~~ Subject to sub. (4), after making the determinations under s. 563.14, the department shall either notify the applicant organization in writing why a license is not being issued or issue a license to such applicant organization

authorizing it to conduct bingo at the times and places set forth in the license. Except as provided in sub. (1m), a license issued under this subsection shall be effective for one year from the first day of the month of the first occasion listed on the license and may be renewed annually, except that an applicant organization may request that the license expire on the first day of any month within the one-year licensure period.

History: 1973 c. 156; 1975 c. 99; 1979 c. 34 s. 2100 (45) (a); 1981 c. 162, 209, 391; 1989 a. 147; 1991 a. 39; 1991 a. 269 ss. 782dd to 782dp; Stats. 1991 s. 563.15; 1995 a. 27 s. 9123 (6pp); 1997 a. 27.

**SECTION 3. 563.15 (4) of the statutes is created to read:**

563.15 (4) (a) The department, by rule, shall establish periods within which the department intends to approve or disapprove an application for any license issued under sub. (1).

(b) 1. Subject to par. (d), the department shall refund fees paid by the applicant for a license under sub. (1) if the department fails to provide the applicant with written notice that the department has approved or disapproved the application for the license, including the specific facts upon which any disapproval is based, before the expiration of the period established under par. (a) for the license.

2. The department may not disapprove an application for a license solely because the department is unable to complete its review of the application within the period established under par. (a).

(c) Upon receiving an application for a license under sub. (1), the department shall inform the applicant of the period established under par. (a) for the license.

(d) The department may extend the period established under par. (a) because an application is incomplete if, within 30 days after receiving the application, the department provides written notice to the applicant describing specifically the information that must be provided to complete the application.

**SECTION 4. 563.92 (5) of the statutes is created to read:**

563.92 (5) (a) The department, by rule, shall establish periods within which the department intends to approve or disapprove an application for any license issued under sub. (1m).

(b) 1. Subject to par. (d), the department shall refund fees paid by the applicant for a license under sub. (1m) if the department fails to provide the applicant with written notice that the department has approved or disapproved the application for the license, including the specific facts upon which any disapproval is based, before the expiration of the period established under par. (a) for the license.

2. The department may not disapprove an application for a license solely because the department is unable to complete its review of the application within the period established under par. (a).

(c) Upon receiving an application for a license under sub. (1m), the department shall inform the applicant of the period established under par. (a) for the license.

(d) The department may extend the period established under par. (a) because an application is incomplete if, within 30 days after receiving the application, the department provides written notice to the applicant describing specifically the information that must be provided to complete the application.

Insert 11-19-RJK

Section #. 601.04 (3) of the statutes is amended to read:

Subject to s. 601.58, the

601.04 (3) LICENSING. ~~The~~ <sup>commissioner</sup> shall issue to any insurer or plan subject to this section a certificate of authority authorizing it to transact the business of insurance in this state if the commissioner is satisfied that it has met all requirements of law and that its methods and practices and the character and value of its assets will adequately safeguard the interests of its insureds and the public in this state. Each certificate shall be issued for a period of no longer than one year and shall expire on May 1. It may be renewed from year to year.

History: 1971 c. 260; 1973 c. 22; 1975 c. 223, 373; 1977 c. 339 s. 6m; Stats. 1977 s. 601.04; 1979 c. 102 ss. 236 (6), 237; 1981 c. 41.

(end of ins 11-19)

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Insert 11-23-RJK

4 (a) A certificate of authority under s. 601.04 to transact the business of insurance.

(end of ins 11-23)

2003

Ins 14-9, p1

LRB -1899 1 1

Nonstat File Sequence:

**E E E**

**INITIAL APPLICABILITY**

1. In the component bar:  
For the action phrase, execute: ..... **create → action: → \*NS: → inappl**  
For the budget action phrase, execute: ..... **create → action: → \*NS: → 93XX**  
For the text, execute: ..... **create → text: → \*NS: → inappl**
2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

**SECTION #**     **[93**     **].** **Initial applicability; .....**

( #1 ) (   ) , .....

The treatment of sections ..

first applies to .....

of the statutes

1. In the component bar:  
For the action phrase, execute: ..... **create → action: → \*NS: → inappl**  
For the text, execute: ..... **create → text: → \*NS: → inapplA**
2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

**SECTION #**     **.** **Initial applicability; .....**

( #1 ) (   ) .....

..... This act first  
applies to applications that are received on the effective date  
of this subsection.

2003

INS 14-9, p. 2

Nonstat File Sequence:

FFF

LRB-1899, 1, 2

EFFECTIVE DATE

1. In the component bar: For the action phrase, execute: ... create → action: → \*NS: → effdate  
For the text, execute: ... create → text: → \*NS: → effdateA
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # \_\_\_\_ . Effective date.

( #1 ) ( ) ..... This act takes effect  
on the first day of the 13th month beginning after publication.

1. In the component bar: For the action phrase, execute: ... create → action: → \*NS: → effdateE  
For the text, execute: ... create → text: → \*NS: → effdate
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # \_\_\_\_ . Effective dates; .....

..... This act takes effect on the day after publication, except as follows:

( #1 ) ( ) ..... The treatment of  
sections .....  
of the statutes takes effect on .....

1. In the component bar: For the budget action phrase, execute: ... create → action: → \*NS: → 94XX  
For the text, execute: ... create → text: → \*NS: → effdate
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9400 department code.

SECTION 94 \_\_\_\_ . Effective dates; .....

( #1 ) ( ) ..... The treatment of  
sections .....  
of the statutes takes effect on .....



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1899/1dnRCT  
RCT:.....

*Please combine the  
3 d notes into one*

Rose Smyrski:

This is a draft of the proposal to require state agencies to act on applications within periods that the agencies establish by rule. Please review the draft carefully, especially to make certain that we have not included kinds of approvals that you want excluded or excluded kinds that you want included and that we have identified which applications are automatically approved and which result in fee refunds in accordance with your intent. There were a number of judgment calls that had to be made in the drafting of this proposal.

This draft does not require agencies to establish deadlines for acting on open records requests under s. 19.35, stats. Current law requires agencies to comply with or deny an open records request "as soon as practicable and without delay." If you want to add open records requests to this draft, please let me know.

Under current law, the Land Information Board approves county records modernization plans under s. 59.72 (3) (d), stats. This draft does not cover these approvals because the board is scheduled to sunset on September 1, 2003. There are, however, proposals to extend the existence of the board. If the board's existence is extended and you want the draft to cover these approvals, we can draft an amendment to accomplish that.

If you have redraft instructions, please let me know. If you have questions about how the draft treats (or why it does not treat) specific kinds of approvals, I can put you in contact with the attorney who drafted the relevant part of the draft.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: becky.tradewell@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1899/P3dnote

PJH:.....

~~Representative Montgomery:~~

Please note that this draft does not require the Department of Transportation to promulgate rules relating to the issuance of the following: commercial driver's licenses and school bus driver's licenses, temporary operating permits and temporary registration plates for vehicles awaiting permanent registration, occupational driver's licenses, and access by law enforcement agencies to photographs maintained by the Department of Transportation.

I believe that these are outside the scope of your request; please let me know if you do want them included in the draft.

Peggy Hurley  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: [peggy.hurley@legis.state.wi.us](mailto:peggy.hurley@legis.state.wi.us)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1899/P3dnRM

RJM:.....

~~Representative Montgomery:~~

As you review the attached draft, please note the following issues:

1. You may want to provide the Department of Commerce with a copy of proposed ss. 101.022 and 101.023 to obtain their input. There may be Department of Commerce approvals in addition to those currently exempted from proposed s. 101.023 that would make sense to exempt from the automatic approval provisions.

2. As currently drafted, automatic approval provisions apply to any approval required to be obtained from DFI, other than approval of specified license applications. See proposed ss. 224.50 and 224.60. There are numerous cases in which the division of banking in DFI is required to approve certain proposed actions with regard to the operation of banking institutions. For example, there are 80 hits in ch. 215 alone for the use of the terms "division" and "approve" or "approval." Do you want to exempt approvals of the division of banking from the automatic approval provisions?

3. You may want to provide DFI with a copy of proposed ss. 224.50 and 224.60 to obtain their input. In addition to the approvals of the division of banking, there may be other DFI approvals that would make sense to exempt from the automatic approval provisions.

4. As currently drafted, all applications for grant moneys, loans, and approvals of the Department of Commerce under ch. 560 and for grant moneys under subch. II of ch. 16 are subject to automatic approval provisions. See proposed ss. 16.305 and 560.015. Please let me know if you intend differently.

Robert J. Marchant  
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E-mail: robert.marchant@legis.state.wi.us